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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-151

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **1. Statutory Authority**

Section Ins 2.18 (3) (c) 4. k. and L. give the impression that delinquency in child support or state taxes are issues that “may be used” [see par. (c) (intro.)] in a licensure decision. This should be reviewed for consistency with s. 632.69 (2) (d) and (4) (c) and (d), Stats.

#### **2. Form, Style and Placement in Administrative Code**

- a. Throughout the text of the rule:
  - Subsection titles should be written in solid capital letters. For example, s. Ins 2.18 (1) (title) should be formatted as “PURPOSE”.
  - Paragraph titles should be written with an initial capital letter and italicized. For example, s. Ins 2.18 (3) (a) (title) should be formatted as “*Application*”.
  - Subdivision titles should be written with an initial capital letter, enclosed in quotation marks, and not italicized. For example, s. Ins 2.18 (3) (c) 1. (title) should be formatted as ““Criminal record””.
- b. In s. Ins 2.18 (4) (d), “, Stats.” should be inserted after “s. 632.69 (3) (e)”. This comment also applies to s. Ins 2.18 (8) (e).
- c. All uses of “Stat.” in the analysis and text of the rule should be replaced with “Stats.”.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

- a. In s. Ins 2.18 (3) (a) 6., the option for a statement as provided in s. 632.69 (2) (c), Stats., should be included.
- b. In s. Ins 2.18 (3) (c) 4. b. and (5) (b), “rule” should replace “regulation”.
- c. In s. Ins 2.18 (6), the requirements of s. 632.69 (2) (n), Stats., should be included.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. Ins 2.18 (3) (a) 2., a period and space should be inserted between “4” and “a.”.
- b. In s. Ins 2.18 (3) (a) 4., “sub.” should replace “subsection”.
- c. In s. Ins 2.18 (3) (a) 7., “the applicant is” should be inserted after “If”, in order to mirror the language of subd. 8. of this paragraph. Similar changes are needed in subds. 1. to 3.
- d. In s. Ins 2.18 (3) (a) 12., “Wis.” should be deleted.
- e. In s. Ins 2.18 (3) (b), “pursuant to par. (a)” should replace “in a format prescribed by the commissioner”, as par. (a) explicitly applies to both initial and renewal applications.
- f. In s. Ins 2.18 (3) (c) 4. (intro.), the introduction should be rephrased to, “Other criteria that the commissioner considers relevant in assessing trustworthiness and competence, including any of the following:”, in order to avoid the use of “evidence”. Also, subd. par. f. of this subdivision should be revised to more closely mirror the language of s. 632.69 (4) (a) 5., Stats., which allows consideration regardless of whether or not a judgment of conviction has been entered by the court. That section of the statutes also allows consideration of a crime where fraud or moral turpitude is an element, which might be more specific and encompassing than the rule’s limit to crimes that are “substantially related to the circumstances of holding a broker or provider license”.
- g. In s. Ins 2.18 (8) (a) (title), a period should be inserted after the title.
- h. In s. Ins 2.18 (8) (c), are the notice requirements to policyholders with death benefits of \$100,000 or more in addition to the notice to be provided three months after the effective date of the rule? This should be clarified. Also, “legislative reference bureau” should replace “revisor”.